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MAILED

SEP 10 2010

In re Application of
Igor E. BONDAREV et al
Application No. 10/586,434
Filed: September 9, 2008
Attorney Docket No. 04-40018-US1

OFFICE OF PETITIONS

ON PETITION

This is in response to the "Petition under 37 CFR 1.47(a), filed August 25, 2010.

The petition is **DISMISSED**.

The Office of Finance records indicate that no petition fee has been received. Authorization to charge the fee set forth in 37 CFR 1.17(g) to deposit account 12-0555 has been given in the Petition. The Office will charge the Deposit Account in the amount of \$200.00 for the requisite fee.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include papers executed by the non-signing inventor. Any extensions of time will be governed by 37 CFR 1.136(a).

Petitioner request the acceptance of a Revocation of Power of Attorney and new Power of Attorney under 37 CFR 1.47(a) on the grounds that reasonable and diligent efforts have been made to contact the non-signing inventor, John S. Bertram. In support of the request a declaration has been submitted by Ann Park indicating that letters have been sent to the last known address, and no response has been received.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.


Specifically, the declaration submitted by Ann Park does not establish unavailability of the non-signing inventor. Evidence of no response to the letters sent to the non-signing inventor, requesting that the non-signing inventor contact Ann Park, would not establish reasonable and diligent efforts to show the unavailability of John S. Bertram.

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The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-0602.


Thurman K. Page
Petitions Examiner
Office of Petition

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